

## ORDER ACCEPTING FINDINGS AND RECOMMENDATION OF THE UNITED STATES MAGISTRATE JUDGE

United States Magistrate Judge William F. Sanderson, Jr., made findings, conclusions and a recommendation in this case. Defendants filed objections, and the District Court has made a *de novo* review of those portions of the proposed findings and recommendation to which objection was made. The objections are overruled, and the Court accepts the Findings, Conclusions and Recommendation of the United States Magistrate Judge.

It is **ORDERED** that the Defendants' Motion to Dismiss (doc. 37) and Defendants' Motion for Summary Judgment (doc. 42) be, and they are hereby dismissed with prejudice.

SO ORDERED this 97 day of March, 2009.

JANE J. BOYLE

UNITED STATES DISTRICT JUDGE